

104TH CONGRESS
1ST SESSION

H. R. 666

To control crime by exclusionary rule reform.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1995

Mr. McCOLLUM introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To control crime by exclusionary rule reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Exclusionary Rule Re-
5 form Act of 1995”.

6 **SEC. 2. ADMISSIBILITY OF CERTAIN EVIDENCE.**

7 (a) IN GENERAL.—Chapter 223 of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing:

1 **“§ 3510. Admissibility of evidence obtained by search**
2 **or seizure**

3 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
4 SONABLE SEARCH OR SEIZURE.—Evidence which is ob-
5 tained as a result of a search or seizure shall not be ex-
6 cluded in a proceeding in a court of the United States
7 on the ground that the search or seizure was in violation
8 of the fourth amendment to the Constitution of the United
9 States, if the search or seizure was carried out in cir-
10 cumstances justifying an objectively reasonable belief that
11 it was in conformity with the fourth amendment. The fact
12 that evidence was obtained pursuant to and within the
13 scope of a warrant constitutes prima facie evidence of the
14 existence of such circumstances.

15 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
16 RULE.—

17 “(1) GENERALLY.—Evidence shall not be ex-
18 cluded in a proceeding in a court of the United
19 States on the ground that it was obtained in viola-
20 tion of a statute, an administrative rule or regula-
21 tion, or a rule of procedure unless exclusion is ex-
22 pressly authorized by statute or by a rule prescribed
23 by the Supreme Court pursuant to statutory author-
24 ity.

25 “(2) SPECIAL RULE RELATING TO OBJECTIVELY
26 REASONABLE SEARCHES AND SEIZURES.—Evidence

1 which is otherwise excludable under paragraph (1)
2 shall not be excluded if the search or seizure was
3 carried out in circumstances justifying an objectively
4 reasonable belief that the search or seizure was in
5 conformity with the statute, administrative rule or
6 regulation, or rule of procedure, the violation of
7 which occasioned its being excludable.

8 “(c) RULE OF CONSTRUCTION.—This section shall
9 not be construed to require or authorize the exclusion of
10 evidence in any proceeding.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 223 of title 18, United States
13 Code, is amended by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

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